

#4

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FORM 1-1

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Practitioner's Docket No. 2535

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☐ original.
- ☐ design.
- ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGE 1 FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional.
- ☐ continuation.
- ☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, relative to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

OXYGEN MONITORING METHODS AND APPARATUS (I)

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SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b) or (c))

(a) ☐ is attached hereto.

NOTE: The following combinations of information supplied in an oath or declaration filed with the application will, if a date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the application as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 50).

(b) ☒ was filed on 4 August 1998, as ☒ Serial No. 09... 128,918
or ☐ and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of inventor(s) or claims. See 37 CFR 1.63.

NOTE: The following combinations of information supplied in an oath or declaration filed with the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the application as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 50).

(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____ (if any).

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ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States or America listed below and I have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States or America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: If here item (e) is entered above and the International Application which designated the U.S. itself claimed priority check item (d), enter the details below and make the priority claim.

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**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d).**

COUNTRY INDICATED PCT	(OR INDICATED IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY UNDER 35 U.S.C. § 119	CLAIMED UNDER 35 U.S.C. § 119
				<input type="checkbox"/> YES	NO <input type="checkbox"/>
				<input type="checkbox"/> YES	NO <input type="checkbox"/>
				<input type="checkbox"/> YES	NO <input type="checkbox"/>
				<input type="checkbox"/> YES	NO <input type="checkbox"/>
				<input type="checkbox"/> YES	NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

_____	_____	_____
_____	_____	_____
_____	_____	_____

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)
UNDER 35 U.S.C. § 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

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**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINATION DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Richard D. Multer, Reg. No. 20,661
HUGHES MULTER & SCHACHT, P.S.
14711 N.E. 29th Place, Suite #245
Bellevue, WA 98007-7666

(check the following item, if applicable)

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

☐ Address

Richard D. Multer
HUGHES MULTER & SCHACHT, P.S.
14711 N.E. 29th Place, Suite #245
Bellevue, WA 98007-7666

Richard D. Multer
(425) 453-5701

☐ Customer Number _____

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DECLARATION

I hereby declare that all statements made herein of my own knowledge and true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor
Lawrence L. Leland
(GIVEN NAME) (MIDDLE INITIAL OR NAME) (FAMILY (OR LAST NAME))
Inventor's signature *Lawrence L. Leland*
Date 10-26-98 Country of Citizenship U.S.
Residence Coupeville, WA
Post Office Address 748 Skymeadow Drive
Coupeville, WA 98239

Full name of second joint inventor, if any
Perry R. Blawieicz
(GIVEN NAME) (MIDDLE INITIAL OR NAME) (FAMILY (OR LAST NAME))
Inventor's signature *Perry R. Blawieicz*
Date 10-26-98 Country of Citizenship U.S.
Residence Tacoma, WA
Post Office Address 610 N. Trafton Street
Tacoma, WA 98403

Full name of third joint inventor, if any
Leslie E. Manna
(GIVEN NAME) (MIDDLE INITIAL OR NAME) (FAMILY (OR LAST NAME))
Inventor's signature *Leslie E. Manna*
Date 10-26-98 Country of Citizenship U.S.
Residence Mercer Island, WA
Post Office Address 4635 84th Avenue S.E.
Mercer Island, WA 98040

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ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth joint inventor, if any

Jerry

R.

Apparison

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Inventor's signature

Date

Country of Citizenship U.S.

Residence

Lake Forest Park, WA

Post Office Address

19219 Ballinger Way N.E.

Lake Forest Park, WA 98155

Full name of fifth joint inventor, if any

Walter

A.

Cooke

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Inventor's signature

Date

Country of Citizenship U.S.

Residence

Monroe, WA

Post Office Address

21413 High Rock Road

Monroe, WA 98272

Full name of sixth joint inventor, if any

GIVEN NAME

MIDDLE INITIAL OR NAME

FAMILY (OR LAST NAME)

Inventor's signature

Date

Country of Citizenship

Residence

Post Office Address

(Add 1 Page to Combined Declaration and Power of Attorney for Signature by Fourth and Subsequent Inventors (1-2))

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(check proper box(es) for any of the following added page(s)
that form a part of this declaration)

- ☒ Signature for fourth and subsequent joint inventors. Number of pages added _____

...

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____

...

- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____

...

- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

...

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added _____

...

- ☐ Authorization of practitioner(s) to accept and follow instructions from representative.

...

If no further pages form a part of this Declaration,
then end this Declaration with this page and check the following item)

- ☐ This declaration ends with this page.

(Declaration and Power of Attorney []—page 7 of 7)

THE PATENT & TRADEMARK OFFICE MAILROOM DATE STAMPED
HEREON IS AN ACKNOWLEDGEMENT THAT ON THIS DATE THE
PATENT & TRADEMARK OFFICE RECEIVED:

Response to Notice to File Missing Parts of Application; Copy of Notice To
File Missing Parts of Application; Declaration (8 pages); Check No. 16670 in
the amount of \$65.00.

Invention: OXYGEN MONITORING APPARATUS
Applicant(s): Lawrence L. Labuda et al.
Filing Date: April 24, 2001
Serial No.: 09/841,363
Date Sent: June 18, 2001 via First-Class Mail
Client/Matter Docket No.: 2181/4785.2US

BGP/djp

